

# CITY OF HAYWARD AGENDA REPORT

Meeting Date 10/23/03 Agenda Item

TO:

**Planning Commission** 

**FROM:** 

Carl T. Emura, Associate Planner

**SUBJECT:** 

Variance No. PL-2003-0462 – Marlene Milani (Applicant)/ Julio and Rubi Magana (Owner) - Request for a Variance to Allow a Garage with a 14-Foot Front Setback Where 20-feet Is Required and a 3'-10" Side Yard

Setback Where 6'-8" Is Required.

The Property Is Located at 24025 Second Street In a Single-Family

Residential (RS) District

## **RECOMMENDATION:**

Staff recommends that the Planning Commission:

- 1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines;
- 2. Deny the application subject to the attached findings.

# **DISCUSSION:**

The property is a sloping 4998-square-foot irregularly shaped lot. To the south of the property is an apartment complex and to the north is a single-family dwelling. The existing house is 1,254 square feet (including a single car garage). The applicant would like to add a 1,088 square-foot two-story addition with a roof deck at the rear of the house. The addition would include a kitchen nook, a family room, a master bedroom and a bathroom.

In order to add an additional bedroom or increase the square footage of the house by more than 50 percent, a two-car garage is required. The City Council enacted this requirement in order to help alleviate excessive parking on Hayward's neighborhood streets. It is assumed that significantly increasing the size of a dwelling and/or adding bedrooms may also increase the number of drivers and cars. It is further assumed that 4 cars could be accommodated on the property if the garage is setback 20 feet; 2 cars could be parked in the garage and 2 in the driveway. While this requirement provides many homeowners the opportunity to improve their homes without impacting parking in the neighborhoods, it is not expected that every property is eligible to take advantage of it.

The applicant has a single-car garage that is only 14 feet from the front property line. He proposes to meet the requirement for a two-car garage by extending the existing garage to toward the side to within 3'-10" feet from the side property line. However, because a front yard setback of at least 20 feet is required and a side yard setback of at least 6'8" is required, approval of a variance is necessary to construct the garage.

Staff does not support this application for safety reasons. The required 20-foot setback between the garage and the front property line is required in order to accommodate additional parking without cars extending into the public right-of-way and hindering pedestrian circulation. In addition, staff has observed that on-street parking is limited in the area, including in front of the subject property, as many of the tenants in the surrounding apartment complexes park on the street. There is also a weekly parking restriction for street cleaning, further limiting on street parking. Any additional cars, over the two cars parked in the garage, may have to be parked on the opposite side of the street, thereby requiring the crossing of Second Street, a busy arterial street, further contributing to an unsafe situation.

With regard to design, the proposed addition is not appealing and does not meet the City's Design Guidelines in that it is not harmonious with the existing house nor does it blend in with the single-family dwellings in the surrounding area. The addition and existing house appears as two separate buildings. The roof style differs in that the existing house has a gable roof and the addition has a partial mansard roof. The rear of the addition appears more like an apartment complex rather than a single-family dwelling with its boxy shape and stairs leading to the roof deck. Furthermore, the roof deck would impinge on the privacy of the adjacent apartment tenants in that from the proposed roof deck and stairway, one could look directly into the living rooms and bedrooms of the adjacent apartments. There could also be an issue of loss of privacy relative to the back yards of the small lots on Acacia Drive.

If the Planning Commission is supportive of the variance, appropriate findings and conditions of approval must be adopted and consideration be given to improving the design of the addition and for the privacy of the residents on adjacent properties.

#### **Environmental Review:**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, Class 5 (a), Minor Alterations of Land Use Limitations.

#### **Public Notice:**

On, September 1, 2003, a notice describing the variance application was mailed to all property owners and tenants within 300 feet of the subject property and the Mission-foothills Neighborhood Task Force. A response was received expressing concern on the impact the addition would have on their residence.

On October 10, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed to property owners and tenants within 300 feet of the subject property and to all interested parties.

Prepared by:

Carl T. Emura Associate Planner

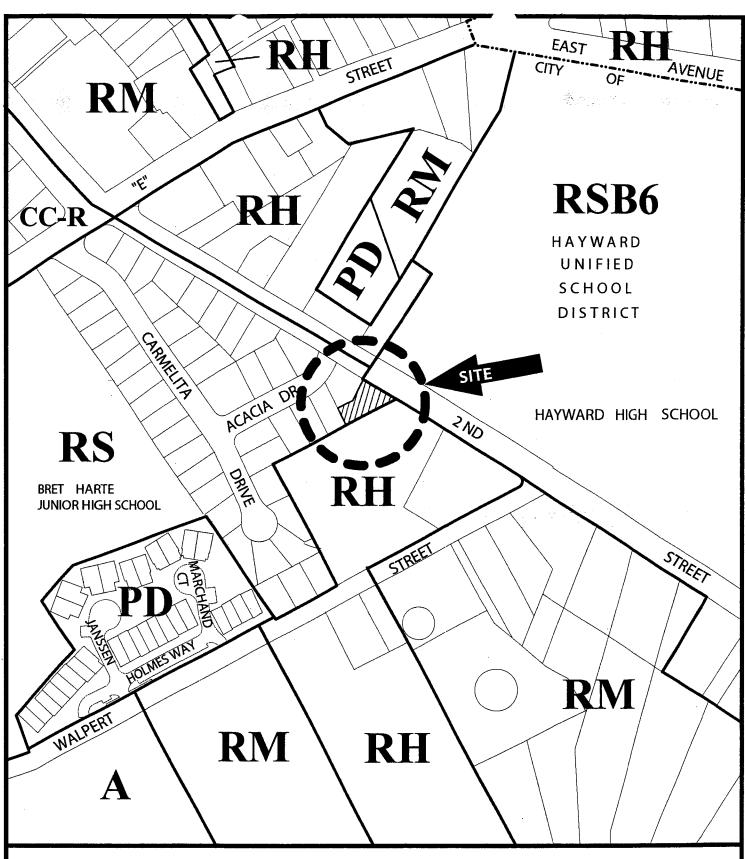
Recommended by:

Dyana Anderly, AICP Planning Manager

Attachments:

A. Area Map

B. Findings for Denial Plans



# **Area & Zoning Map**

PL-2003-0462 VAR

Address: 24025 2nd Street Applicant: Marlene Milani Owner: Julio & Rubi Magana A-Agricultural-ABSA,AB10A,AB100A,AB160A

**CC-R-**Centrial City-Residential

**PD**-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential, RSB4, RSB6



# CITY OF HAYWARD PLANNING DIVISION

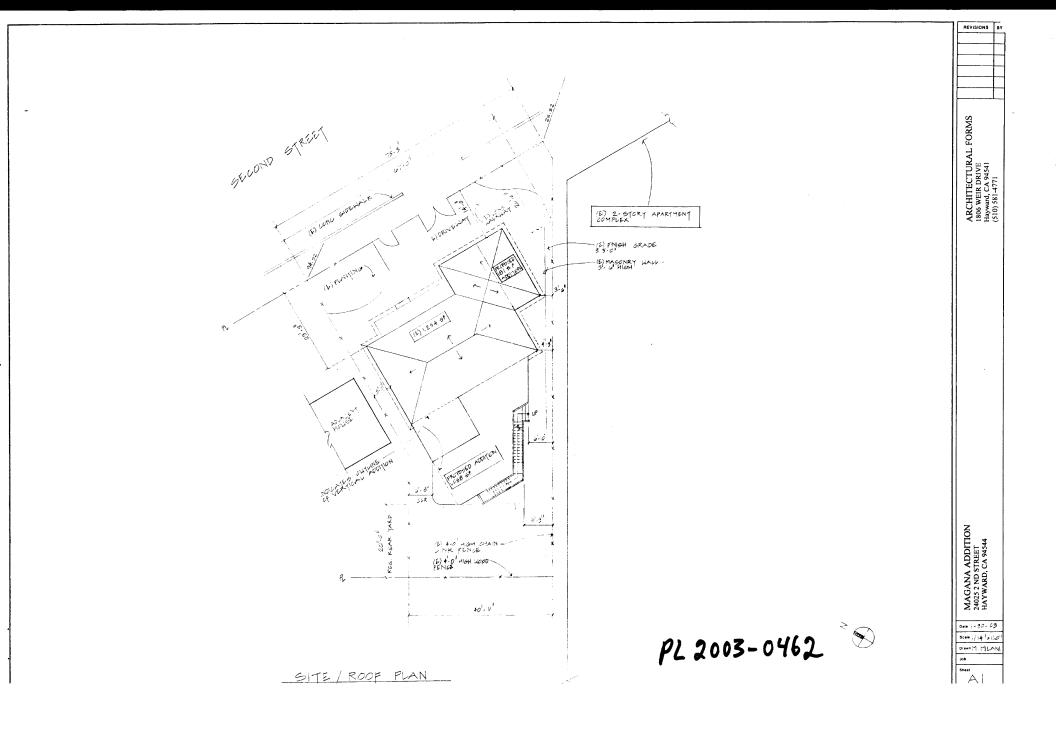
# October 23, 2003

<u>VARIANCE NO. PL-2003-0462 – Marlene Milani (Applicant)/ Julio and Rubi Magana (Owner)</u> To allow a reduction of the front yard setback from 20'-0" to 14'- 0" and side yard setback from 6'-8" to 3'-10" to allow the expansion of the single car garage to a two car garage.

The site is located at 24025 Second Street in the Single Family Residential (RS) District, (APN: 445-0020-026).

### FINDINGS FOR DENIAL

- A. Administrative Use Permit PL 2003-0462, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA review under Section 15305, Class 5a, Minor Alterations in Land Use Limitations.
- B. There are special circumstances applicable to the property in that the lot is irregular in shape and on a sloping site. However, the driveway would not be of sufficient depth to accommodate additional cars without protruding into the public right-of-way and on-street parking is limited due to the apartments in the general vicinity of the property.
- C. Strict application of the Zoning Ordinance does not deprive such property of privileges enjoyed by other properties with similar circumstances in that no other variances have been approved for the reduction of front yard setbacks on properties in the vicinity.
- D. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties with similar circumstances in the vicinity and zoning district in which the property is situated in that front yard setback variances have not be granted for other properties in the vicinity.



SYMBOL DESCRIPTION

EXISTING PERIMETER WALL TO REMAIN

EXISTING INTERIOR PARTITION TO REMAIN

\_\_\_\_ EXISTING WALL, DOORS, WINDOWS ETC TO BE DEMOLISHED

WALL LEGEND (A2)

DEMOLITION GENERAL NOTES (A2)

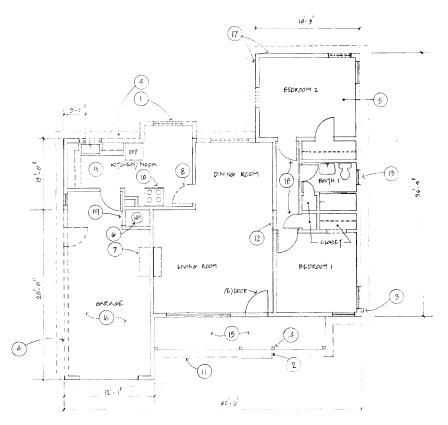
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REVISIONS BY

ARCHITECTURAL FORMS 1806 WEIR DRIVE Hayward, CA 94541 (510) 581-4771

STUB OFF AND RE-ROUTE ALL PLUMBING ITEMS AS NEEDED TO COMPLETE THE WORK.

#### NOTES



(B) FLOOR PLAN- DEMOLITION PLAN

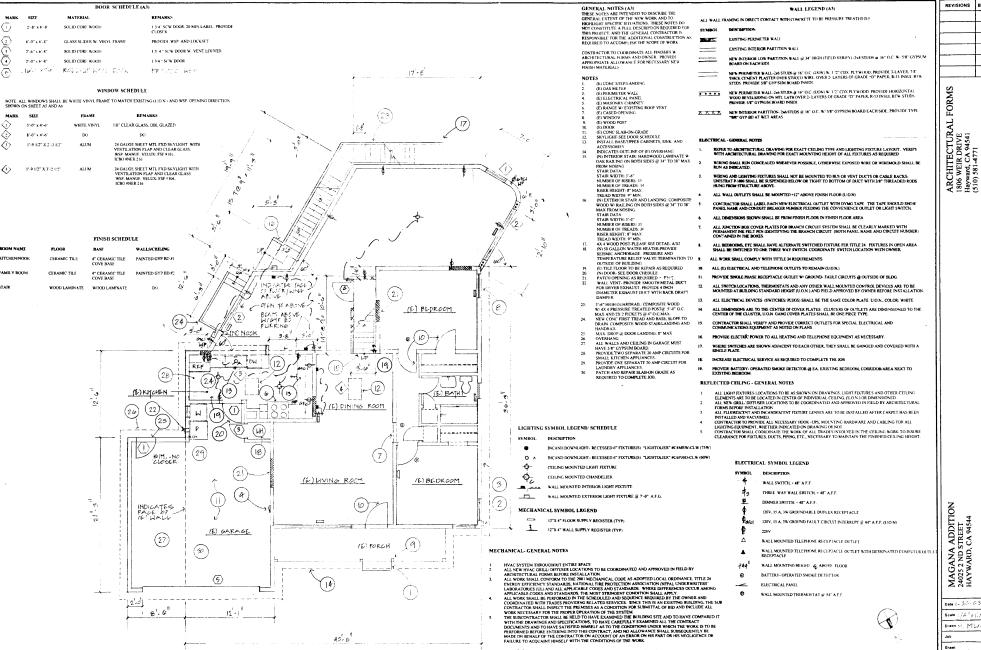


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Drawn M. MILANI

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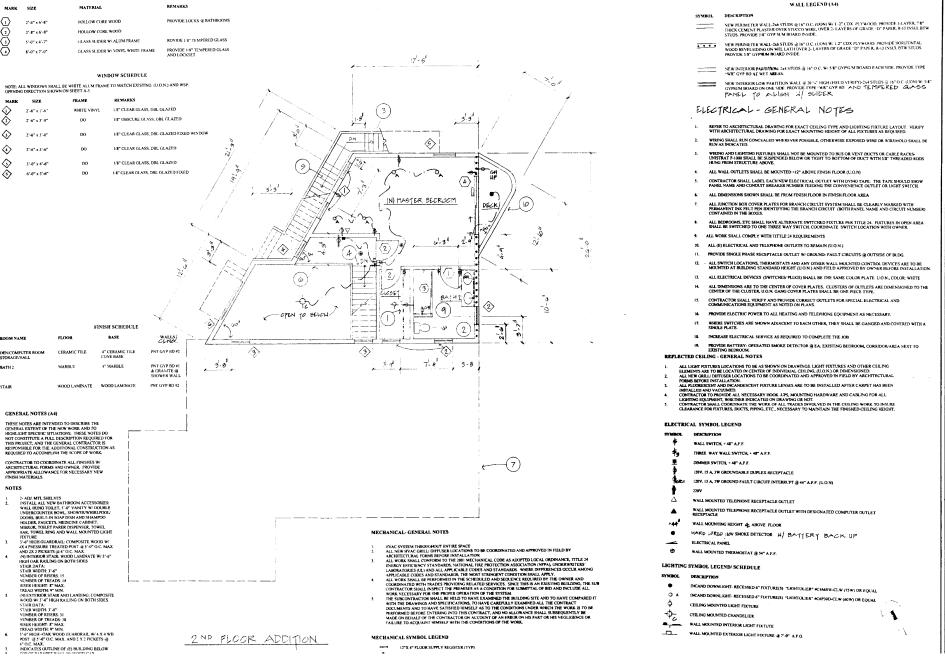


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DIENN M. MILAI

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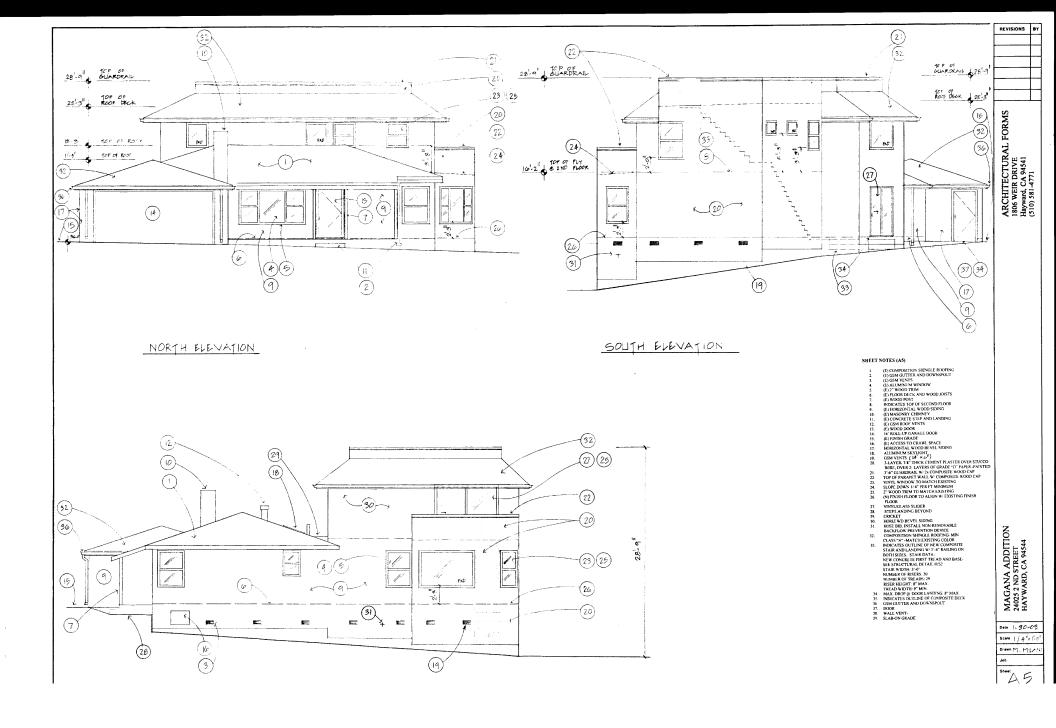
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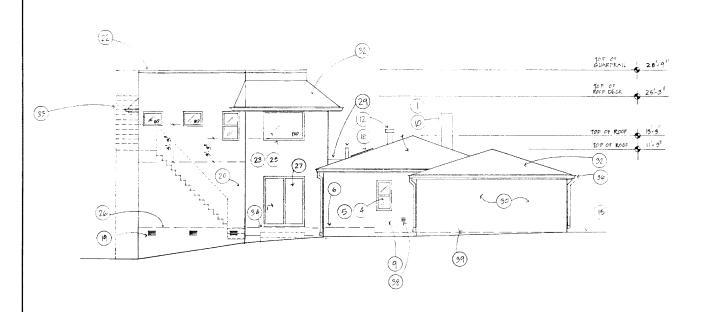
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MAGANA ADDITION 24025 2 ND STREET HAYWARD, CA 94544

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MAGANA ADDITION 24025 2 ND STREET HAYWARD, CA 94544

Date 1-30-63 Scal | | 4" = 1.0"

Drawn M. MILANI Job

Sheet A 6